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ATTORNEYS FOR PLAINTIFF
COMMODITIES & MINERALS ENTERPRISE LTD.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITIES & MINERALS ENTERPRISE LTD.,

Plaintiff,

-against-

CVG FERROMINERA ORINOCO, C.A.,

Defendant.

Civil Action No. *16 CV. 861 (ALC)*

**AMENDED ORDER TO ISSUE WRIT OF MARITIME ATTACHMENT AND
GARNISHMENT AND APPOINTING PROCESS SERVER**

UPON reading the Verified Complaint for issuance of process of maritime attachment and garnishment pursuant to Rule B of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure ("Supplemental

Rule B”), and the Declarations of Michael J. Frevola and Tyrone V. Serrao and the Memorandum of Law submitted in support thereof, and the Court finding that the conditions for an action under Supplemental Rule B appear to exist;

NOW, upon motion of Plaintiff Commodities & Minerals Enterprise Ltd., it is hereby

ORDERED that the Clerk shall issue process of attachment and garnishment pursuant to Supplemental Rule B as prayed for in the Verified Complaint in the amount of US\$256,675,010.74 against all goods, chattel, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, or any other tangible or intangible property belonging to, claimed by, owed to, being held for or on behalf or otherwise for the benefit of Defendant CVG Ferrominera Orinoco, C.A. (“FMO”) by any garnishee within this District including, *inter alia*, the following entities: Bank of America and BNP Paribas; and it is further

ORDERED that said Order will be equally applicable to any other garnishees upon whom a copy of the Process of Maritime Attachment and Garnishment herein may be served, in an amount up to and including US\$256,675,010.74, pursuant to Supplemental Rule B; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to this Order and the process of maritime attachment and garnishment shall, upon application to the Court, be entitled to a prompt hearing at which Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

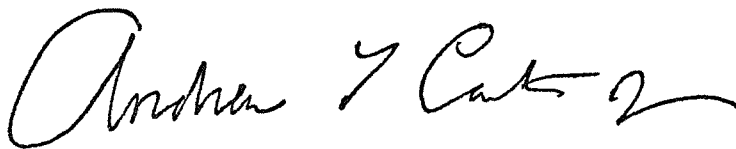
ORDERED that following initial service upon any garnishee by the United States Marshal or any other person designated or authorized by this Order to make service in this action, subsequent or supplemental service of Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served; and it is further

ORDERED that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service, and it is further deemed to be effective through the end of the next business day; provided another service is made the next business day; and it is further

ORDERED, that pursuant to Rule 4(c)(1) of the Federal Rules of Civil Procedure, this Order and writs of attachment issued in connection herewith may be served by any person at least 18 years of age and not a party to this action and employed with, or appointed by, Holland & Knight LLP; and it is further,

ORDERED that a copy of this order be attached to and served with the said process of maritime attachment and garnishment.

DONE AND ORDERED in Chambers at New York, New York this 9th day of February, 2016.



United States District Judge